



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Appeal of Brandi Burrell regarding Notice of Public Nuisance and Order to Vacate and Order to Abate dated September 25, 1991 for property located at 303 East Elm Street, Lodi issued by James H. Siemers, Code Enforcement Officer

MEETING DATE: November 20, 1993

PREPARED BY: Community Development Director

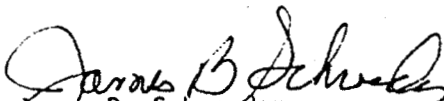
RECOMMENDED ACTION: That the City Council conduct a public hearing to consider the appeal of Brandi Burrell regarding Notice of Public Nuisance and Order to Vacate and Order to Abate dated September 25, 1991 for property located at 303 East Elm Street, Lodi issued by James H. Siemers, Code Enforcement Officer.

BACKGROUND INFORMATION: The Community Development Department does not understand the purpose of the appeal. The structure at 300 East Elm Street has been vacated and secured. The water and electricity have been turned off and can not be reinstated until the building is brought to compliance with the various codes (i.e. Building, Plumbing, Electrical etc.).

Enclosed are copies of the (1) department's case calendar, (2) Notice of Violation, (3) Notice of Public Nuisance and Order to Abate and (4) Notice of Public Nuisance and Order to Vacate and Order to Abate.

The department's case calendar lists the item to be repaired, corrected or installed on Pages 1, 2 and 3. The structure can not be occupied until all items are corrected.

FUNDING: None required.


James R. Schneider
Community Development Director

JBS/cg

Attachments

APPROVED: 

THOMAS A. PETERSON
City Manager



recycled paper

PRINT DATE: 11/12/91
PRINT TIME: 11:45:03

CITY OF LODI - COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE - BUILDING INSPECTION DIVISION
SUBSTANDARD BUILDING ABATEMENT - 1988 UHC or 1988 UCADB

CASE CALENDAR - CASE # 91-0064

COMPLAINT DATE: 7/17/91

SITUS ADDRESS: 303 E ELM ST

AP #: 043 088 0021 BLDG: SUITE:

COMPLAINANT: SILVIA SANCHEZ

PHONE #: 333 7516

WORK #

EXT

ADDRESS: 303 E ELM ST #3

CITY/STATE: LODI, CA

ZIP: 95240 0000

***** COMPLAINT DESCRIPTION *****

LACK OF HABABILITY, SEWER PRODUCTS SPILLING ONTO GROUND, HOUSING CODE VIOLATIONS

ASSIGNED TO: SIEMERS DATE: 7/17/91 VIOL CODE:

***** PARCEL DATA *****

OWNER 1: BURRELL, BRADLEY B & B B

OCCUPANCY - COMM/RES: RES

OWNER 2:

OCCUPANT:

ADDRESS: 1724 LAKESHORE DR

ADDRESS:

CITY/STATE: Lodi, CA

ZIP: 95242

CITY/STATE: Lodi, CA

ZIP: 95240

PHONE #: 369-8174 EXT

OCCUP. PHONE #:

EXT

**** LAND USE: 0034

ZONING: r-hd

GENERAL PLAN: r-HD

HOLDS ? : N

***** INSPECTIONS *****

DATE

Notice of intent to inspect sent by:

7/18/91 First Inspection made. Present were Jim Siemers, Silvia Sanchez, Interpreter

7/19/91 Second Inspection made. Present were Jim Siemers, Silvia Sanchez, Don Hawkinson,
tenants of apartments 2 and 4

7/26/91 First Letter sent, by: JHS No. of days to comply: 15

8/22/91 Second letter sent, by: JHS No. of days to comply: 30

9/25/91 Third Letter Sent, by: JHS No. of Days to comply: Vacate by Sept 28, 1991

9/23/91 Third Inspection made. Present were Jim Siemers, Phil Schrock

9/30/91 Fourth Inspection: Building is vacant and posted not to be occupied.

PERMIT ISSUED:

PERMIT NUMBER:

DATE PERMIT FINALED:

***** COMMENTS *****

Inspection of 7/19/91 - started inspection at 10:40 am

Exterior of building:

1. Raw sewage on exterior of east side of building.
2. Electrical service panel modified without permits or inspections
3. Exterior electrical conduit and wiring done without permits or inspections.
4. Lighting not available at exit doors.
5. Second story deck and stairs at north end of building are deteriorated:
 - a. Stairs are sloping to north.
 - b. Deck is sloping to north.
 - c. No hand rail on stairs.
 - d. Guard rail on stairs has openings in excess of code requirements.
 - e. Guard rail on deck has openings in excess of code requirements.
 - f. Guard rail on deck does not meet minimum height requirements.

Interior entry hall and stair way:

6. No hand rail.
7. Broken stairwell window.
8. Light in stairwell and entry not operable.

Apartment No. 3

Front room (being used as bedroom):

9. One electrical receptacle.
10. Use of extension cord wiring.
11. No operable smoke detector.

Living room:

12. Broken Window.
13. Deteriorated walls (Broken lath and plaster).
14. Lack of adequate electrical receptacles; extensive use of extension cord wiring.
15. No operable means of heating dwelling unit.

Dining Room

16. Deteriorated floor (Broken Flooring).
17. Broken window.

Kitchen

18. Broken window
19. Lack of counterspace electrical receptacles.
20. Deteriorated flooring.
21. No switched lighting.
22. No operable shut off valve at gas range.
23. No operable shut off valve at water heater (Valve Frozen).

Bathroom:

24. No electrical receptacle. (GFCI required).

Apartment No. 4

Kitchen

25. No counter top appliance receptacles.
26. Fuse box above refrigerator not accessible.

Bathroom

27. No electrical receptacle.
28. Vanity sink deteriorated (pulling away from wall).
29. P-trap deteriorated; leaking.

Living areas:

30. No operable smoke detector.
31. lack of adequate electrical receptacles.

- 32. Extensive use of extension cord wiring.
- 33. No heat.

Apartment No. 2:

- 34. lack of adequate electrical receptacles thru out. Extensive use of extension cord wiring.
- 35. Smoke detector not operable.
- 36. No Heat

Bathroom

- 37. Light switch to bathroom is recessed, has no cover, and requires the insertion of a finger into the recess to switch light.
- 38. No electrical receptacle in bathroom.
- 39. Use of PVC water lines in bathroom area.

Kitchen :

- 40. Kitchen sink trap deteriorated and leaking.
- 41. Gas shut off to kitchen stove frozen and not operable.
- 42. Fuse box above upper kitchen cabinets not accessable.

Dining room:

- 43. Broken Window
- 44. Deteriorated flooring.

Not able to inspect Apartment No 1; no one home.

July 26, 1991: Letter to Property owner stating the findings of the July 19, 1991 inspection and requesting voluntary repair of the premises

August 22, 1991: Mailed Notice of violation and Order to Abate. (Property owner did not respond to Notice of violation sent on July 26, 1991. This notice requires repair to begin within 10 days and be completed within 30 days. This notice also requires vacating of the building by September 23, 1991. If repairs are made within the allotted time, the vacating will not be required.

September 23, 1991: Inspection of premises indicates that the property owner has made no effort to effect repairs. The building is still occupied.

September 25, 1991: Notice of Public nuisance and order to vacate and order to abate mailed. Vacating to take place within 3 days.

September 30, 1991: Field inspection reflects that the building has been vacated. The building is posted as unsafe and not to be occupied.

***** CASE SUMMARY *****
Original complaint received on: 7/17/91 Matter resolved on:
Work completed by:

CF910064/TXTD.02J/CE

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIECLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

July 26, 1991

CERTIFIED MAIL

BKADLEY B. AND B. B. BURRELL
1724 Lakeshore Drive
Lodi, CA 95242

RE: Special Inspection (Case No. 91-0064)
303 E Elm Street.

NOTICE OF VIOLATION

A special inspection conducted on July 19, 1991, at the above noted address, has revealed the following:

VIOLATIONS

Exterior of building:

1. Raw sewage on exterior of east side of building.
2. Electrical service panel modified without permits or inspections
3. Exterior electrical conduit and wiring done without permits or inspections.
4. Lighting not available at exit doors.
5. Second story deck and stairs at north end of building are deteriorated:
 - a. Stairs are sloping to north.
 - b. Deck is sloping to north.
 - c. No hand rail on stairs.
 - d. Guard rail on stairs has openings in excess of code requirements.
 - e. Guard rail on deck has openings in excess of code requirements.
 - f. Guard rail on deck does not meet minimum height requirements.

Interior entry hall and stair way:

6. No hand rail.
7. Broken stairwell window.
8. Light in stairwell and entry not operable.

Apartment No. 3

Front room (being used as bedroom):

- 9. One electrical receptacle.
- 10. Use of extension cord wiring.
- 11. **No** operable smoke detector.

Living room:

- 12. Broken Window.
- 13. Deteriorated walls (Broken lath and plaster).
- 14. Lack of adequate electrical receptacles; extensive **use** of extension cord wiring.
- 15. **No** operable means of heating dwelling unit.

Dining Room

- 16. Deteriorated floor (Broken Flooring).
- 17. Broken window.

Kitchen

- 18. Broken window
- 19. Lack of counter space electrical receptacles.
- 20. Deteriorated flooring.
- 21. **No** switched lighting.
- 22. No operable shut off valve at gas range.
- 23. **No** operable shut off valve at water heater (Valve Frozen).

Bathroom:

- 24. **No** electrical receptacle. (GFCI required).

Apartment No. 4

Kitchen

- 25. **No** counter top appliance receptacles.
- 26. Fuse box above refrigerator not accessible.

Burrell
July 26, 1991
page 3

Bathroom

- 27. No electrical receptacle.
- 28. Vanity sink deteriorated (pulling away from wall).
- 29. P-trap deteriorated; leaking.

Living areas:

- 30. No operable smoke detector.
- 31. lack of adequate electrical receptacles.
- 32. Extensive use of extension cord wiring.
- 33. No heat.

Apartment No. 2:

- 34. lack of adequate electrical receptacles thru out. Extensive use of extension cord wiring.
- 35. Smoke detector not operable.
- 36. No Heat

Bathroom

- 37. Light switch to bathroom is recessed, has no cover, and requires the insertion of a finger into the recess to switch light.
- 38. No electrical receptacle in bathroom.
- 39. Use of PVC water lines in bathroom area.

Kitchen:

- 40. Kitchen sink trap deteriorated and leaking.
- 41. Gas shut off to kitchen stove frozen and not operable.
- 42. Fuse box above upper kitchen cabinets not accessible.

Dining room:

- 43. Broken Window
- 44. Deteriorated flooring.

Not able to inspect Apartment No 1; no one home, any similar repairs in apartment no. 1 will be required.

DETERMINATION

1. Lodi Municipal Code; Section 15.04.010. The provisions set forth in the "Uniform Building Code, 1985 Edition," and set forth in the "Uniform Building Code Standards, 1985 Edition," together with Appendix Chapters 1, 7, 32, 35, 49, 51, 55, 57, and 70 thereto, are adopted as the building code of the city.
2. Lodi Municipal Code; Section 15.08.010. The provisions set forth in the "Uniform Mechanical Code, 1985 Edition," together with the appendices thereto, are adopted as the mechanical code of the city.
3. Lodi Municipal Code; Section 15.12.020. The provisions set forth in the "Uniform Plumbing Code, 1985 Edition," together with the appendices thereto, are adopted as the plumbing code of the city.
4. Lodi Municipal Code; Section 15.16.010. The provisions set forth in the "National Electrical Code, 1987 Edition," are adopted as the electrical code of the city.
5. Lodi Municipal Code; Section 15.24.010. The provisions set forth in the "Uniform Housing Code, 1985 Edition," together with appendices thereto, are adopted as the housing code of the city.
6. Lodi Municipal Code; Section 15.28.010. The provisions set forth in the "Uniform Code for the Abatement of Dangerous Buildings, 1985 Edition," are adopted as the unsafe building abatement code of the city. The unsafe building abatement code of the city applies in all matters pertaining to dangerous buildings which are in existence or which may be constructed in the city.

As a result of the foregoing violations, the following action is required:

1. The above noted structure has deteriorated to the extent of noncompliance with existing building, plumbing, mechanical, electrical and housing codes.
2. The structure shall be repaired to the extent that it meets the standards required by the building, electrical, plumbing, mechanical, and housing codes.

Burrell
July 26, 1991
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Appropriate permits shall be obtained from the City of Lodi prior to the commencement of any work **required** herein.

All required permits are to be obtained within 15 days of the date of this notice, and the repair is to be completed within **45** days.

In all cases, the required vacating is subject to the inspection and final approval of the Building Division, Community Development Department, City of Lodi.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

- i. A citation may be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office (209) 333-6711.


JAMES H. SIEMERS
Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director
Chief Building Inspector
Fire Marshall
Tenants; apartments 1, 2, 3, and 4

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

August 22, 1991

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE
AND
ORDER TO ABATE

Bradley B. And B. B. Burre 1
1724 Lakeshore Drive
Lodi, CA 95242

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessors Parcel No. 043-088-21. Said property is more commonly known as 303 East Elm Street, Lodi, California.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 202 et seq of the Housing Code of the City of Lodi and Section 202 et seq of the Unsafe Building Abatement Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On July 19, 1991 the Building Official caused said property to be inspected. The following violations were discovered:

Exterior of building :

1. Raw sewage on exterior of east side of building.
2. Electrical service panel modified without permits or inspections
3. Exterior electrical conduit and wiring done without permits or inspections.

Burrell
August 22, 1991
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4. Lighting not available at exit doors.
5. Second story deck and stairs at north end of building are deteriorated:
 - a. Stairs are sloping to north.
 - b. Deck is sloping to north.
 - c. **No** hand rail on stairs.
 - d. Guard rail on stairs has openings in excess of code requirements.
 - e. Guard rail on deck has openings in excess of code requirements.
 - f. Guard rail on deck does not meet minimum height requirements.

Interior entry hall and stair way:

6. **No** hand rail.
7. Broken stairwell window.
8. Light in stairwell **and entry** not operable.

Apartment No. **3**

Front room (being used as bedroom) :

9. **One** electrical receptacle.
10. **Use** of extension cord wiring.
11. **No** operable smoke detector.

Living room:

12. Broken Window.
13. Deteriorated walls (Broken lath and plaster).
14. Lack of adequate electrical receptacles; extensive use of extension cord wiring.
15. **No** operable means of heating dwelling unit.

Dining **Room**

16. Deteriorated floor (Broken Flooring).
17. Broken window.

Kitchen

18. Broken window
19. Lack of counter space electrical receptacles.
20. Deteriorated flooring.
21. **No** switched lighting.
22. **No** operable shut off valve at gas range.
23. **No** operable shut off valve at water heater (Valve Frozen).

Burrell
August 22, 1991
page 3

Bathroom:

24. No electrical receptacle. (GFCI required).

Apartment No. 4

Kitchen

25. No counter top appliance receptacles.
26. Fuse box above refrigerator not accessible.

Bathroom

27. No electrical receptacle.
28. Vanity sink deteriorated (pulling away from wall).
29. P-trap deteriorated; leaking.

Living areas:

30. No operable smoke detector.
31. lack of adequate electrical receptacles.
32. Extensive use of extension cord wiring.
33. No heat.

Apartment No. 2:

34. lack of adequate electrical receptacles thru out. Extensive use of extension cord wiring.
35. Smoke detector not operable.
36. No Heat

Bathroom

37. Light switch to bathroom is recessed, has no cover, and requires the insertion of a finger into the recess to switch light.
38. No electrical receptacle in bathroom.
39. Use of PVC water lines in bathroom area.

Kitchen:

40. Kitchen sink trap deteriorated and leaking.
41. Gas shut off to kitchen stove frozen and not operable.
32. Fuse box above upper kitchen cabinets not accessible.

Burrell
August 22, 1991
page 4

Dining room:

- 43. Broken Window
- 44. Deteriorated flooring .

Not able to inspect Apartment No 1; no one home, any similar repairs in apartment no. 1 will be required.

This existing conditions are in direct violation of the Housing Code and the Unsafe Building Abatement Code of the City of Lodi.

DETERMINATION

As a result of the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

(a) The structure on the property in question shall be repaired to the extent that it meets or exceeds the standards in the appropriate Code requirement listed above. The property owner may, if he or she so desires, demolish said structures and clear the property of all rubbish and debris in lieu of attempting necessary repairs. Demolition work shall be subject to the review of the Building Official in accordance with provisions set forth in Section 4409 of the Building Code of the City of Lodi.

(b) The structure on the property in question shall be vacated until further notice of the Building Official. Vacation must be accomplished by September 23, 1991.

Appropriate building, plumbing, mechanical , electrical , demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

All repair work required herein shall begin within 10 days of the date of this Notice and shall be completed within 30 days of the date of this Notice.

In all cases, the required work is subject to the inspection and final approval of the Building Official.

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi and Section 201 of the Unsafe Building Abatement Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

Burrell
August 22, 1991

APPEAL

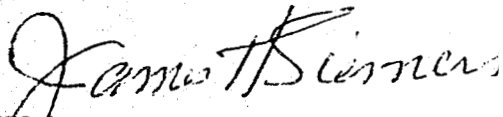
Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 1201 et seq of said Housing Code and Section 501 et seq of said Unsafe Building Abatement Code. The appeal should be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation shall be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office.


JAMES I. SIEMERS
Code Enforcement Officer

cc: Tenants, Apartments 1, 2, 3, and 4
Posting Copies

cc: Mayor Hinchman
City Manager
Community Development Director
City Attorney
Chief Building Inspector
Fire Marshal

2ND10064

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
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THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

September 25, 1991

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE
AND
ORDER TO VACATE
AND
ORDER TO ABATE

Bradley B. And B. B. Burrell
1724 Lakeshore Drive
Lodi, CA 95242

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessors Parcel No. 043-088-21. Said property is more commonly known as 303 East Elm Street, Lodi, California.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi **has** inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 202 et seq of the Housing Code of the City of Lodi and Section 202 et seq of the Unsafe Building Abatement Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On July 19, 1991 the Building Official caused said property to be inspected. The following violations were discovered:

Exterior of building:

1. Raw sewage on exterior of east side of building.
2. Electrical service panel modified without permits or inspections
3. Exterior electrical conduit and wiring done without permits or inspections.
4. Lighting not available at exit doors.
5. Second story deck and stairs at north end of building are deteriorated:
 - a. Stairs are sloping to north.
 - b. Deck is sloping to north.
 - c. No hand rail on stairs.
 - d. Guard rail on stairs has openings in excess of code requirements.
 - e. Guard rail on deck has openings in excess of code requirements.
 - f. Guard rail on deck does not meet minimum height requirements.

Interior entry hall and stair way:

6. No hand rail.
7. Broken stairwell window.
8. Light in stairwell and entry not operable.

Apartment No. 3

Front room (being used as bedroom):

9. One electrical receptacle,
10. Use of extension cord wiring.
11. No operable smoke detector.

Living room:

12. Broken Window.
13. Deteriorated walls (Broken lath and plaster).
14. Lack of adequate electrical receptacles; extensive use of extension cord wiring.
15. No operable means of heating dwelling unit.

Burrell
September 25, 1991
page 3

Dining Room

- 16. Deteriorated floor (Broken Flooring).
- 17. Broken window.

Kitchen

- 18. Broken window
- 19. Lack of counter ~~space~~ electrical receptacles.
- 20. Deteriorated flooring.
- 21. No switched lighting.
- 22. No operable shut off valve at gas range.
- 23. No operable **shut** off valve at water heater (Valve Frozen).

Bathroom :

- 24. No electrical receptacle. (GFCI required).

Apartment No. 4

Kitchen

- 25. No counter top appliance receptacles.
- 26. Fuse box above refrigerator not accessible.

Bathroom

- 27. No electrical receptacle.
- 28. Vanity sink deteriorated (pulling away from wall).
- 29. P-trap deteriorated; leaking.

Living areas:

- 30. No operable smoke detector.
- 31. lack of adequate electrical receptacles.
- 32. Extensive use of extension cord wiring.
- 33. No heat.

Burrell
September 25, 1991
page 4

Apartment No. 2:

- 34. lack of adequate electrical receptacles thru out. Extensive use of extension cord wiring.
- 35. Smoke detector not operable.
- 36. No Heat

Bathroom

- 37. Light switch to bathroom is recessed, has no cover, and requires the insertion of a finger into the recess to switch light.
- 38. No electrical receptacle in bathroom.
- 39. Use of PVC water lines in bathroom area.

Kitchen:

- 40. Kitchen sink trap deteriorated and leaking.
- 41. Gas shut off to kitchen stove frozen and not operable.
- 42. Fuse box above upper kitchen cabinets not accessible.

Dining room:

- 45. Broken Window
- 44. Deteriorated flooring.

Not able to inspect Apartment No 1; no one home, any similar repairs in apartment no. 1 will be required.

This existing conditions are in direct violation of the Housing Code and the Unsafe Bwilding Abatement Code of the City of Lodi.

DETERMINATION

On August 22, 1991, a Notice of Violation and Order to Abate was mailed to the property owner concerning the above noted violations. No action to abate the conditions was taken by the property owner.

As a result of the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

Burrell
September 25, 1991
page 5

(a) The structure on the property in question shall be repaired to the extent that it meets or exceeds the standards in the appropriate Code requirement listed above. The property owner may, if he or she so desires, demolish said structures and clear the property of all rubbish and debris in lieu of attempting necessary repairs. Demolition work shall be subject to the review of the Building Official in accordance with provisions set forth in Section 4409 of the Building Code of the City of Lodi.

(b) The structure on the property in question shall be vacated until further notice of the Building Official. Vacation must be accomplished by September 28, 1991.

Appropriate building, plumbing, mechanical, electrical, demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein,

All repair work required herein shall begin within 10 days of the date of this Notice and shall be completed within 30 days of the date of this Notice.

In all cases, the required work is subject to the inspection and final approval of the Building Official.

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi and Section 201 of the Unsafe Building Abatement Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 1201 et seq of said Housing Code and Section 501 et seq of said Unsafe Building Abatement Code. The appeal should be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

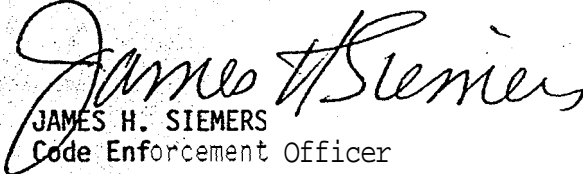
Burrell
September 25, 1991
page 5

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation shall be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office.


JAMES H. SIEMERS
Code Enforcement Officer

cc: Tenants, Apartments I, 2, 3, and 4
Posting Copies

cc: Mayor Hinchman
City Manager
Community Development Director
City Attorney
Chief Building Inspector
Fire Marshall

In response to the Appeal & Notice of Public Nuisance and Order to Abate dated September 25, 1991 regarding property located at 303 East Elm Street, Lodi we, the undersigned residents, are petitioning against granting the appeal for the following reasons:

1. Drug dealings out of building
2. Undesirables living at the apartments creating disturbances and crime
3. Landlords disregard for either the safety of the tenants or the residents in the area
4. Lack of cooperation from owner. Property inspection on 7-19-91. We residents had to tolerate open sewer lines and the stench until late September when the tenants moved out.
5. Neighbors cleared three green garbage bins of garbage from yard after tenants vacated. This was to prevent trash from blowing all over Elm Street.
6. Screens are being cut, windows broken and the porch used for beer parties.

For the above reasons we strongly protest rescinding the Notice of Public Nuisance and Abatement on 303 East Elm Street, Lodi.

Patrick Munkle [REDACTED]

Desaree D. Brown [REDACTED]

Debra L. Spears [REDACTED]

Henry Luan [REDACTED]

Jay & DAVE White [REDACTED]

Eug Brown [REDACTED]

Carol Wintour [REDACTED]

Patricia [REDACTED]

Deena Gibson [REDACTED]

Donna Kelly [REDACTED]

Beryl Celley [REDACTED]

Violet Gury [REDACTED]

ATML [REDACTED]

Jane Baumann [REDACTED]

Helen G. Cooper [REDACTED]

Jay Lehr [REDACTED]

Virginia L Lake [REDACTED]

Synthia Ackerman [REDACTED]

Cray Ackerman [REDACTED]

James E. Hill
Lisa M. Hill

See Jones
Harry Thomas

Lavone Riddlesey

James L. McKee

Kathleen A. Camden

Anna M. Gage

Laurie Folwell

[REDACTED] - Right across the street. This house is filthy, rotting food on the floors, holes in the walls, transient pop., yard totally unkempt, bugs & I don't want them. I want a better group of people to live. I'm middle class and I work hard & I keep a clean house & expect the same of my neighbors. I can't stand filth & this place is filthy & has been for along time. Tear it down or clean it up.

Jane Francis

[REDACTED]. (Trash was dumped regularly on the side of the house.)

DECLARATION OF MAILING

On November 7, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes **with** first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed **as** is more particularly shown on Exhibit "8" attached hereto.

There is a regular daily communication **by** mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty **of** perjury that the foregoing **is** true and correct.

Executed on November 7, 1991, at Lodi, California.

Alice M. Reimche
City Clerk

Jennifer M. Perrin
Jennifer M. Perrin
Deputy City Clerk

DEC/01
TXTA.FRM



CITY OF LODI

CARNEGIE FORUM

305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 20, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche

City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

November 20, 1991

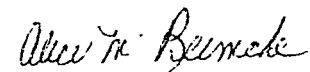
NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Appeal received from Brandi Burrell regarding the Notice of Public Nuisance and Order to Vacate and Order to Abate dated September 25, 1991 for the property located at 303 East Elm Street, Lodi issued by James H. Siemers, Code Enforcement Officer.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising *only* those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


Alice M. Reimche
City Clerk

Dated: November 6, 1991

Approved as to form:


Bobby W. McNatt
City Attorney

APPEAL FROM BRANDI BURRELL
MAILING LIST
EXHIBIT B

James H. Siemers
Community Development Department

James Schroeder
Community Development Director

Brandi Burrell
303 East Elm Street
Lodi, CA 95240

CITY COUNCIL


DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB MCNAITT
City Attorney

November 22, 1991

Bradley B. and B. B. Burrell


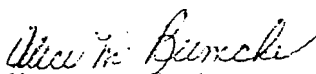
Re: Notice of Public Nuisance and Order to Vacate and Order to Abate
Dated September 25, 1991 for Property Located at 303 East Elm
Street, Lodi Issued by James H. Siemers, Code Enforcement Officer

Dear Mr. Burrell:

This letter will confirm that the Lodi City Council at its regular meeting of November 20, 1991 following a public hearing on the matter, denied your appeal regarding the Notice of Public Nuisance and Order to Vacate and Order to Abate dated September 25, 1991 for property located at 303 East Elm Street, Lodi issued by James H. Siemers, Code Enforcement Officer.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,


Alice M. Reimche
City Clerk

AMR/jmp

bc: Roger Houston, Chief Building Inspector
Jim Siemers, Code Enforcement Officer